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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION TWO

In re Z.T., a Person Coming Under the  
Juvenile Court Law.

B240571  
(Los Angeles County  
Super. Ct. No. CK68735)

LOS ANGELES COUNTY  
DEPARTMENT OF CHILDREN  
AND FAMILY SERVICES,

Plaintiff and Respondent,

v.

CHRISTOPHER T.,

Defendant and Appellant.

APPEAL from a judgment of the Superior Court of Los Angeles County.  
Donna Levin, Juvenile Court Referee. Affirmed.

Grace Clark, under appointment by the Court of Appeal, for Defendant and  
Appellant.

John Krattli, County Counsel, James M. Owens, Assistant County Counsel,  
John C. Savittieri, Deputy County Counsel, for Plaintiff and Respondent.

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Christopher T. challenges a disposition order requiring a monitor when he visits his infant son Z.T. Appellant has a sorry history that includes kicking a pregnant woman in the stomach and a conviction for domestic violence. In light of appellant's history, the juvenile court sensibly required visits to be monitored until appellant resolves his anger management problems. We affirm.

### **FACTS**

Appellant Christopher T. (Father) and Crystal T. (Mother) are in their twenties. Despite their youth, Father and Mother have separate—but extensive—histories of domestic violence with their former romantic partners. Mother has five children by three men, and was beaten by two of them. Mother's oldest children have been exposed to domestic violence since 2007, when their father battered Mother and threatened to kill them. This led to a voluntary family maintenance case with the Department of Children and Family Services (DCFS). In 2008, Mother completed the case plan objectives, and the case was closed.

Mother's second male partner threw her to the floor and assaulted her in front of her children, resulting in his arrest. A dependency proceeding was instituted. In October 2010, the court sustained allegations that Mother allowed her partner to reside with her and have unlimited access to the children, despite his violent tendencies.

DCFS received referrals alleging neglect of Father's son Z.M.T. (Z.T.'s half brother). In 2009, DCFS learned that Z.M.T. was left without adult supervision for extended periods. The neglect came to light when a six-year-old sibling carried five-month-old Z.M.T. across busy streets to a neighbor's house three blocks away. The two children had been left alone and had not eaten. They were detained. Father was arrested for inflicting corporal injury on a cohabitant and served with a restraining order.

In August 2010, a dependency petition was sustained based on failure to provide adult supervision, as well as domestic violence by Father and Z.M.T.'s mother Ebony. The court found that Father “dragged [Ebony] by [her] hair inflicting bruises and scratches to [her] arm. [He] repeatedly kicked [Ebony's] stomach during [her] pregnancy in 2009.”

While the dependency matter involving Z.M.T. was in progress, Father was arrested in December 2010 for pushing and hitting Ebony at a train station, and was convicted of assault in March 2011. The juvenile court ordered family reunification services for Father, but he did not fulfill the case plan. He entered a drug rehabilitation program, but attended only 12 out of 30 sessions and missed six drug tests in 2011. He failed to enroll in individual counseling. Father expressed love for Z.M.T., but told the social worker that “I don’t need him right now.” Father’s reunification services with Z.M.T. were terminated in August 2011.

Mother met Father at a parenting class they were attending as part of their respective court-ordered case plans. Their son Z.T. was born in September 2011. DCFS was concerned because Mother gave Father access to Z.T. even though Father kicked his partner Ebony in the stomach during her pregnancy and recently had his reunification services with Z.M.T. terminated. Mother was present when Father was arrested for attacking Ebony in December 2010.

Mother initially lied to the DCFS social worker, saying that she had no contact with Father and had broken off their relationship months earlier. As it turns out, Father was in Mother’s house when the social worker arrived there to speak to Mother. Due to Father’s and Mother’s histories of domestic violence, Mother’s poor judgment in giving Father access to her children, and her dishonesty about her relationship with Father, Z.T. was detained on September 28, 2011, when he was eight days old.

A dependency petition was filed on behalf of Z.T, alleging that he was in danger of serious physical harm from Father; that Mother failed to protect Z.T. by allowing Father access to him; and that Father and Mother have histories of domestic violence involving Z.T.’s half siblings. Mother and Father denied the allegations. On October 3, 2011, the court found a prima facie case for detaining Z.T. outside of parental custody. Father was authorized to have monitored visits with Z.T.

In a jurisdiction/disposition report filed on November 3, 2011, DCFS recounted Mother’s and Father’s dependency court history. The report notes that Father was arrested in 2011 for inflicting corporal punishment on a cohabitant. The address on

Father's arrest records is the same as Mother's address. Mother continued to deny that Father lived with her or was ever around her children; however, a caretaker for Mother's children reported seeing Father with Mother and her children. The children mentioned Father in their conversations, though Mother was previously advised that Father was "under no circumstance . . . to be present during her unmonitored visits with the children."

Based on Mother's and Father's lack of honesty—and Mother's poor judgment in allowing Father to be present during Mother's unmonitored visits with her older children—DCFS opined that Mother is not ready to care for or ensure the safety of Z.T. Father failed to comply with court orders in his pending case involving Z.M.T., causing the court to terminate Father's reunification services. Father's failure to reunify with Z.M.T. demonstrates that he cannot take custody of Z.T. In addition, Father refused to disclose any information about his current residence, so no assessment could be made of its suitability.

Before the jurisdiction hearing was conducted, Father went to jail to serve time for assaulting his former partner Ebony. Father was ejected from his domestic violence course due to his absence from class while incarcerated. He did not contact DCFS to obtain a new referral. While incarcerated, Father did not visit Z.T. from late November 2011 until March 2012.

The jurisdiction hearing was held on March 14, 2012. No testimony was given. Mother and Father asked the court to dismiss the petition because the allegations of domestic violence involve their previous partners and other children, not Z.T. They argued that there is no evidence of domestic violence between Mother and Father, and no evidence that Z.T. is at risk of harm. Father requested unmonitored visitation. DCFS argued that Mother repeatedly enters violent relationships with men and allows her children to witness the violence, placing Z.T. at risk of harm.

The court found that "there is a risk here to this child. The risk is the parents' history." Father's reunification services were terminated in a concurrent dependency case, which "in itself shows a risk. The father hasn't remediated his [ ] previous

behavior.” The court amended the petition to show that Mother has a history of domestic violence with her prior partners. Mother was aware of Father’s conviction for spousal abuse and his DCFS case involving Z.T.’s half brother Z.M.T., yet she endangered Z.T.’s siblings by allowing Father to have unlimited access to them. The court struck the other allegations. The court noted that Mother’s past relationships with violent men, coupled with her new relationship with Father, who was very violent with the mother of his older child, is very risky.

Moving to disposition, the court returned Z.T. to Mother’s custody, over the objection of DCFS. The court declared Z.T. to be a dependent child and removed him from Father’s custody. Father was ordered to complete a 52-week domestic violence program and authorized to have monitored visits with Z.T. at least once per week, for two hours, with discretion to liberalize once Father is in a domestic violence program. Father’s visits cannot be monitored by Mother. Father objected to the monitoring requirement. He appeals from the disposition order.

### **DISCUSSION**

Father does not challenge the jurisdictional findings. Instead, he argues that the court “abused its discretion in not ordering unmonitored visits because increased, unmonitored contact with Father was in [Z.T.]’s best interest.” “The court has broad discretion to determine what would best serve and protect the child’s interest and to fashion a dispositional order in accord with this discretion.” (*In re Christopher H.* (1996) 50 Cal.App.4th 1001, 1006; *In re Baby Boy H.* (1998) 63 Cal.App.4th 470, 474.) We review the record to see if the disposition is supported by substantial evidence, drawing all reasonable inferences in favor of the order, and acknowledging that issues of fact and credibility are the province of the trial court. (*In re Heather A.* (1996) 52 Cal.App.4th 183, 193.) The court’s order cannot be overturned absent a clear abuse of discretion. (*In re Christopher H.*, at p. 1006.)

Reunification plans are tailored to the circumstances of each family, and a parent may be ordered to participate in programs designed to eliminate the conditions that led to dependency jurisdiction and loss of parental custody. (*In re Nolan W.* (2009) 45 Cal.4th

1217, 1229; *In re Christopher H.*, *supra*, 50 Cal.App.4th at p. 1006.) Visitation is a necessary component of the reunification plan. (*In re S.H.* (2003) 111 Cal.App.4th 310, 317.) Visitation should be “as frequent as possible, consistent with the well-being of the child,” but “[n]o visitation order shall jeopardize the safety of the child.” (Welf. & Inst. Code, § 362.1, subd. (a)(1)(A)-(B).)

The record shows that Father has a history of domestic violence. He kicked the stomach of a pregnant partner and dragged her by the hair, in the presence of children. Father later assaulted his former partner at a train station, in violation of a restraining order, and was convicted and imprisoned for spousal abuse. He was ordered to complete a domestic violence program, but failed to do so.

Father has an anger management problem that must be addressed before he spends time alone with an infant. Though Father acts appropriately with Z.T. during his monitored visits, the juvenile court could reasonably conclude that Father’s propensity for violence could be triggered by a colicky baby who cries and cannot be hushed, or by a toddler who makes a mess or damages things. The court elected to not leave an infant as young as Z.T. alone with Father, without some assurance that Father has the tools to control himself. The domestic violence class ordered by the court may provide a measure of assurance that Father will not harm Z.T. or Mother.

We note that Father was incarcerated for several months in 2011-2012, and had no contact with Z.T. during that period. Father was released from jail shortly before the jurisdiction hearing in March 2012. Given Father’s lack of contact with his newborn infant for nearly four months, it would be inappropriate to allow unmonitored visitation until parental bonding has occurred.

Father argues that ““Without visitation of some sort, it is virtually impossible for a parent to achieve reunification,”” quoting *In re C.C.* (2009) 172 Cal.App.4th 1481, 1491. Father exaggerates his plight. The court ordered a *minimum* of one visit per week, with DCFS having discretion to liberalize Father’s visits when Father enters a domestic violence program. The order ensures regular visitation “while at the same time providing for flexibility in response to the changing needs of the child and to dynamic family

circumstances.” (*In re S.H., supra*, 111 Cal.App.4th at p. 317.) Theoretically, if Father remains current with his court-ordered program and has positive interactions with Z.T., he could have multiple visits with Z.T. every week. There is no bar to Father’s eventual reunification with Z.T., if Father complies with the case plan.

**DISPOSITION**

The judgment is affirmed.

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BOREN, P.J.

We concur:

DOI TODD, J.

ASHMANN-GERST, J.